

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL ANTHONY WILLIAMS,

Plaintiff,

Case No. 1:08-cv-739

v

HON. JANET T. NEFF

CINDI S. CURTIN, et al.,

Defendants.

---

**OPINION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On November 20, 2008, the Magistrate Judge filed a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 29 U.S.C. §§ 1915(e)(2) and 1915A(b), and 42 U.S.C. §1997e(c) on the grounds that the complaint fails to state a claim. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Judgment pursuant to FED. R. CIV. P. 58.

Plaintiff reasserts that he has stated a claim upon which relief can be granted. Plaintiff does not point to any errors made by the Magistrate Judge but merely presents the allegations from his complaint once again. Plaintiff does, for the first time, assert that he was subjected to the cell

extraction and strip search in retaliation for past grievances he filed. Plaintiff also asserts, again for the first time, that the strip search was cruel and unusual because it took place in the presence of officers of the opposite sex. Plaintiff has waived these arguments by failing to first present them to the Magistrate Judge. *See Murr v. United States*, 200 F.3d 895, 902 n. 1 (6th Cir. 2000). The Magistrate Judge properly concluded that Plaintiff's complaint fails to state a claim.

For these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

Judgment will be entered consistent with this Opinion.

Dated: February 5, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL ANTHONY WILLIAMS,

Plaintiff,

Case No. 1:08-cv-739

v

HON. JANET T. NEFF

CINDI S. CURTIN, et al.,

Defendants.

---

**JUDGMENT**

In accordance with the Opinion entered this date:

**IT IS HEREBY ORDERED** that the objections (Dkt 7) are DENIED and the Report and Recommendation (Dkt 6) is APPROVED and ADOPTED as the opinion of this Court.

**IT IS FURTHER ORDERED** that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1) for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that the Court certifies pursuant to 28 U.S.C. 1915(a) that an appeal of the Judgment would not be taken in good faith.

Dated: February 5, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge